



06-28-06

AF

Iew

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/080,754
		Filing Date	February 22, 2002
		First Named Inventor	Gerald W. Fly et al.
		Art Unit	1745
		Examiner Name	Carol Chaney
Total Number of Pages in This Submission		Attorney Docket Number	8540G-000058/CPA (H-205702)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name David A. McClaughry	Reg. No. 37,885
Signature			
Date	June 27, 2006		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	David A. McClaughry	Express Mail Label No.	EV 853 856 675 US (6/27/2006)
Signature		Date	June 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 853 856 675 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/080,754

Filing Date: February 22, 2002

Applicant: Gerald W. Fly et al.

Group Art Unit: 1745

Examiner: Carol Chaney

Title: FUEL CELL WITH VARIABLE POROSITY GAS
DISTRIBUTION LAYERS

Attorney Docket: 8540G-000058/CPA (Client Ref. H-205702)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is directed to points of argument raised in the Examiner's Answer dated May 11, 2006 for the above-identified application. Applicants respectfully traverse the Examiner's rejections for the reasons set forth below.

REMARKS

Applicants respectfully reassert their argument that U.S. Patent No. 6,258,476 to Cipollini (hereinafter "Cipollini") fails to disclose the non-porous impermeable separator plate of the present invention. While the Examiner contends that the separator plate of Cipollini is non-porous in operation, Applicants submit that the Examiner has classified the plate as both porous and non-porous. The structure of the plate is clearly porous, as conceded by the Examiner. Therefore, it cannot be seen as teaching the non-porous separator plate of the present invention. The Examiner further asserts that the separator plate of Cipollini is impermeable. Applicants again reassert their position that in order for the separator plate of Cipollini to be "non-porous in operation," as asserted by the Examiner, it must be permeated by water. Applicants respectfully submit that the plate in Cipollini is permeable due to its porous composition and ability to be permeated by water.

As such, Applicants respectfully submit that the final rejection of the claims based on Cipollini is improper. Accordingly, Applicants respectfully request the final rejection of claims be reversed and the present application be approved for allowance.

Respectfully submitted,

Dated: June 27, 2006

By: 
David A. McClaughry
Reg. No. 37,885

CORRESPONDENCE ADDRESS:

Charles Ellerbrock, Esq.
General Motors Corporation
Legal Staff - Mail Code 482-C23-B21
PO Box 300 - 300 Renaissance Center
Detroit, Michigan 48265-3000
Ph: 313-665-4709.
Fax: 313-665-4976

DAM/JMP/pal